

Wisconsin Assembly Bill 397 (Rep. Samantha Kerkman) and Senate Bill 299 (Sen. Julie Lassa)

Caylee's Law

Reporting the Disappearance of a Child	
Who	parent, stepparent, guardian, legal custodian
Age & Timeframe	under 13 years of age: within 24 hours after the child is discovered to be missing
	13 years of age or older, but under 16 years of age: within 48 hours after the child is discovered to be missing
	at least 16 years of age: within 72 hours after the child is discovered to be missing
Penalty	NOTE: same penalties as currently in place (948.21) for neglecting a child
	Class A misdemeanor (fine up to \$10,000 or imprisonment up to 9 months or both)
	Class H felony if bodily harm/substantial bodily harm results (fine up to \$10,000 or imprisonment up to 6 years or both)
	Class F felony if great bodily harm results (fine up to \$25,000 or imprisonment up to 12 years and 6 months or both)
	Class D felony if death results (fine up to \$100,000 or imprisonment up to 25 years or both)
Reporting the Death of a Child	
Who	parent, stepparent, guardian, legal custodian
Age	under 18 years of age
Death	in which there are unexplained, unusual, or suspicious circumstances; appears to be a homicide or suicide; is due to poisoning; or follows an accident
Timeframe	Immediately or as soon as practical if immediate reporting is impossible; exceptions for religious tenets or practices
Penalty	Class I felony (fine up to \$10,000 or imprisonment up to 3 years and 6 months or both)

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Caylee's Law

Hiding or Burying the Corpse of a Child	
Who	anyone who doesn't have the authority to move a corpse
What	hides or buries a corpse of a child
Penalty	Class F felony (fine up to \$25,000 or imprisonment up to 12 years and 6 months or both)
Hides or Buries a Corpse with Intent to Collect Benefits	
Who	anyone
What	hides, or buries a corpse with intent to collect Medical Assistance, benefits or services under Wisconsin Works or food stamps
Penalty	Class G felony (fine up to \$25,000 or imprisonment up to 10 years or both)

From: Kerkman, Samantha
Sent: Thursday, July 28, 2011 11:50 PM
To: 'tamisothe@gmail.com'; 'Stephanie Kundert'; Kundert, Stephanie; Rongstad, Tami
Subject: Kenosha News

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KENOSHA NEWS

Proposal would require parents to report missing children

BY JOE POTENTE
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In response to the recent Casey Anthony trial in Florida, a Kenosha-area lawmaker is looking to step up Wisconsin's requirements, when it comes to reporting dead or missing children.

A bill by Rep. Samantha Kerkman, R-Randall, would make it illegal not to make a timely report to law enforcement of most cases where a child dies and any case where a juvenile goes missing.

Existing Wisconsin law only requires people to report suspicious, unexplained or unusual deaths to law enforcement.

Kerkman's proposal comes after Anthony, a Florida mother, was acquitted for murder after concealing the death of her 2-year-old daughter, Caylee.

"Shortly after that, we started to receive a number of contacts on the issue," Kerkman said Thursday. "I started to look into it, and, in Wisconsin, we currently have nothing on the books for reporting your child lost or deceased."

Kerkman is working on the bill with Sen. Julie Lassa, D-Stevens Point, who has drafted a substantially similar measure. The two plan to formally introduce a unified proposal early next month, seeking co-sponsorships from their colleagues.

The bill's immediate reporting requirement for deaths has exemptions for Native Americans who perform private ceremonies after deaths and for cases where it is not possible to do so.

For missing children, a parent or guardian would have to make a report to a law enforcement officer within 24 hours for those younger than 12 and 48 hours for those 12 and older.

In Anthony's case, the child was not reported missing for a month after she disappeared in June 2008.

Caylee's body was found in a wooded area near her grandparents' house six months after she was last seen. Casey Anthony was charged with homicide, but, after a trial watched widely on cable TV earlier this month, was convicted only of four misdemeanor counts of lying to investigators.

As a mother, Kerkman said she could not understand not reporting the child missing.

Kerkman said she expects widespread, bipartisan support for the bill from lawmakers and the public.

"They're outraged that somebody could wait 31 days before reporting their child lost, and just very upset there was nothing on the books to deter somebody from doing that," Kerkman said.



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"Caylee's Law"

(Posted November 28, 2011)

Concerns stemming from the death of Caylee Anthony and the trial and acquittal of her mother Casey by a Florida court have prompted state lawmakers to consider introducing legislation, dubbed "Caylee's law," criminalizing the failure to report a missing or dead child. Although many other lawmakers are considering legislation, as of November 28th, thirteen states have filed bills: Arizona (1), Alabama (2), California (2), Florida (9), Illinois (4), Kentucky (3), Massachusetts (2), Michigan (5), New Jersey (5), New York (8), Ohio (3), Pennsylvania (3), and Tennessee (4). Key legislative points in the bills include the qualifying age of a missing or dead child, how long the legal guardian has to report the incident to law enforcement and how the crime is classified. Please click [here](#) to read bill summaries and to find links to the complete texts of the filed legislation.

As of November 28th, 2011 none of the filed bills related to the Casey Anthony trial have been enacted. [Michigan Senate Bill 580](#) and [Michigan Senate Bill 626](#) ([fiscal note](#)) have progressed the furthest, passing the Michigan Senate together by a vote of 35 "yeas" to 0 "nays" with 3 excused. The bills are currently being considered in the Michigan House Judiciary committee.

In Florida, where the Casey Anthony trial occurred, legislators have filed more bills, 8, than any other state. In addition to the introduction of these bills, Senate President Mike Haridopolos created the [Senate Select Committee on Protecting Florida's Children](#). The committee is charged with "examining the various policy options that are available to further advance the protection of Florida's children."

On November 3, 2011, the Senate Select Committee recommended that [Florida Statute 837.055](#) (False information to law enforcement during investigation) be altered to include increased penalties for a person who knowingly and willingly misleads police officers or impedes their investigation if the incident involves a child of 16 or younger who is severely injured or killed. The penalty increases from a 1st degree misdemeanor to a 3rd degree felony, punishable by 5 years in prison, for the child related offense. Each lie told to law enforcement can be considered a distinct violation. To watch the discussion that resulted in this recommendation, [follow this link](#). Senator Joe Negron and Senator Arthenia Joyner have sponsored [Senate Bill 538](#) on behalf of the committee.

In West Virginia, a similar committee, [The Select Committee on Children Juveniles and Other Issues](#) heard testimony related to the potential for drafting a "Caylee's law" in their state. A summary of the committees work can be found [here](#).

Profit Concerns from the Casey Anthony Trial

In addition to criminal concerns, some legislators are considering measures to prohibit participants in a criminal trial from profiting from their experience. [Florida HB 51 \(2012\)](#), for example, to be considered in 2012, would prohibit a juror from requesting or accepting any benefit or compensation related jury service until 270 days after the end of the trial. Similar laws already exist in California, Delaware, Louisiana, New York and New Jersey.

Additionally, concerns have been raised over the potential for defendants to profit from their experiences. "Son of Sam Laws," named for Sam Berkowitz, prevent only those found guilty—not those acquitted—from profiting from their crimes.

Current State Statutes

In addition to considering new laws, lawmakers and their constituents are interested in understanding what current statutes may apply to those who fail to report a missing or dead child.

Failure to Report a Missing Child

Currently, there are no statutes that criminalize the failure to report a missing child. Laws do exist, however, that impose criminal penalties for filing a false missing child report and for failing to report abuse or neglect of a child.

Also, in some states there are reckless endangerment statutes that may apply to this situation. For example, New York's Penal Law §120.25, makes it a felony if a person exhibits depraved indifference to human life and recklessly

engages in conduct that creates a grave risk of death to another person. Other states with reckless endangerment laws include Alabama, Connecticut and Utah.

Failure to Report a Death

Some state statutes criminalize the failure to report a death. Some of these laws place the duty on anyone with knowledge of the death. For example, Arizona's A.R.S. § 11-593 directs "any person having knowledge of the death of a human being ... shall promptly notify the nearest peace officer of all information in the person's possession regarding the death and the circumstances surrounding it ." It goes on to list under which circumstances the law applies, including death by violence and death of a seemingly healthy person. Failure to report under this statute is a class 2 misdemeanor.

Other states have similar statutes that create a duty to report a death. These laws vary on whether they apply to a person without a professional duty to report. Examples of similar laws include:

Indiana: IN ST 35-45-19-3

Massachusetts: M.G.L.A. 38 § 3

North Carolina: N.C.G.S.A. § 7B-301

Puerto Rico: 34 L.P.R.A. § 3016

Rhode Island: RI ST § 40-11-3.1

West Virginia: W. Va. Code § 61-12-8

In 2011, Michigan has introduced a bill ([SB 231](#)) to make it a crime punishable by up to one year in prison and a \$1,000 fine to not report the discovery of a dead body with the purpose of hiding or concealing the fact or cause of death. More stringent penalties would apply if the violation was committed with the intention of concealing the death. The bill passed 38 to 0 in the Senate on June 7, 2011, and is currently in the House Judiciary Committee.

Additional Resources

[National Center for the Prosecution of Child Abuse, Criminal Statutes](#)

[Penalties for failure to report child abuse and neglect](#)

[Mandatory reporting of child abuse and neglect](#)

NCSL's Criminal Justice Program, Denver, Colorado
Contact us by phone (303) 364-7700, or email cj-info@ncsl.org.

Statutes and bills may be edited or summarized; full text can be retrieved through:

[State Legislatures Internet Links](#)

This information is provided for representative purposes only and may not be a complete list or analysis.

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